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14 UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 STRAWFLOWER ELECTRONICS, INC.,

19 Plaintiff,

20 v.

21 RADIOSHACK CORPORATION,

22 Defendant.
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Case No. CV 05-00747 MMC

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE AND
RADIOSHACK'S DEADLINE TO ANSWER
THE FIRST AMENDED COMPLAINT**

Date: , 2005
Time: 10:30 a.m.
Place: Courtroom 7, 19th Floor
Judge: Hon. Maxine M. Chesney

1 Plaintiff Strawflower Electronics, Inc. ("Strawflower"), through its undersigned counsel, and
2 Defendant RadioShack Corporation ("RadioShack"), through its undersigned counsel, hereby submit
3 this Stipulation and [Proposed] Order Continuing the Case Management Conference and RadioShack's
4 Deadline to Answer the First Amended Complaint. The parties jointly request a continuance of the
5 case management conference, currently scheduled for June 24, 2005, at 10:30 a.m., to August 19,
6 2005, at 10:30 a.m., or such later time as the Court deems appropriate. In addition, the parties jointly
7 request to extend time for RadioShack to answer the First Amended Complaint from June 23, 2005, to
8 no later than August 5, 2005.

9 This joint request to continue the case management conference is made after the parties met
10 and conferred pursuant to Federal Rule of Civil Procedure 26(f) on June 3, 2005. The conference
11 occurred before and after the Court issued its ruling on RadioShack's motion to dismiss. At the
12 conference, the parties attempted to discuss the agenda topics outlined in the Court's case management
13 conference order. The Court's ruling, however, dramatically impacted each party's disposition and
14 timeline for this action. Accordingly, the parties now jointly request a continuance of the case
15 management conference pursuant to the Court's case management conference order and Civil Local
16 Rule 6-2.

17 There are several grounds upon which the parties make this joint request. First, Strawflower
18 now intends to file a motion for leave to amend its First Amended Complaint to add new claims.
19 Strawflower intends to file such a motion by not later than June 24, 2005, which would not be heard
20 until, at the earliest, July 29, 2005. Second, RadioShack intends to file one or more counterclaims
21 when it answers the First Amended Complaint, currently due June 23, 2005. Strawflower's intended
22 motion, however, may impact RadioShack's answer and presently contemplated counterclaims.

23 The possibility of additional claims in this action impacts many of the agenda topics set forth
24 in the Court's case management conference order. It is difficult for the parties to propose to the Court
25 a list of the factual and legal issues for this case, the timeline for discovery and trial, the potential
26 range in damages and other relief, and prospects of settlement with the pleadings in disarray. In light
27 of the foregoing reasons, the parties are jointly requesting a continuance of the case management
28 conference until August 19, 2005. A continuance to August 19, 2005, would resolve much of the

1 pleading issues and, thus, the case management issues.

2 With respect to the timeline for RadioShack's answer, Strawflower has offered to give
3 additional time for RadioShack to answer in light of Strawflower's intention to amend its pleading in
4 the next two weeks. The parties have stipulated that RadioShack may have until 10 days after the
5 Court rules on Strawflower's motion.

6 These continuances will not have any other impact on this action. Even if Strawflower files its
7 motion in two weeks, the hearing would be scheduled for July 29, 2005, three weeks prior to the
8 proposed date of August 19, 2005, for the case management conference. In addition, this is the
9 parties' first request to continue the case management conference. There has been only one prior
10 stipulation to extend time. On March 9, 2005, the parties filed a joint stipulation to extend the time
11 within which RadioShack had to respond to the complaint in light of Strawflower's intention to file a
12 First Amended Complaint. No other requests to extend time have been made.

13 For these reasons, the parties have jointly stipulated to and request that the Court order the
14 following:

15 (1) continuance of the initial case management conference from June 24, 2005, to August 19,
16 2005, at 10:30 a.m., or such later date and time as the court may direct;

17 (2) continuance of all deadlines affixed in relation to the date of the case management
18 conference as set forth in the Court's case management conference order and in the Federal Rule of
19 Civil Procedure:

20 (a) the joint case management statement shall be filed no later than August 10, 2005;

21 (b) initial disclosures shall be made no later than August 5, 2005;

22 (3) continuance of RadioShack's deadline to file and serve its answer to the operative pleading
23 from June 23, 2005, to ten days after the Court's ruling on Strawflower's motion for leave to amend
24 the First Amended Complaint, or at the latest of August 5, 2005.

25 IT IS SO STIPULATED.
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1 DATED: June 10, 2005

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

By: 

MARK T. JANSEN

Attorneys for Defendant
RADIOSHACK CORPORATION

8 DATED: June 10, 2005

Respectfully submitted,

LUCE, FORWARD, HAMILTON & SCRIPPS LLP

By: 

JEFFREY L. FILLERUP

Attorneys for Plaintiff
STRAWFLOWER ELECTRONICS, INC.

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ORDER

IT IS HEREBY ORDERED that the Case Management Conference set for June 24, 2005, is continued until August 19, 2005, at 10:30 a.m. The joint case management statement shall be due no later than August 10, 2005. The parties shall exchange its initial disclosures no later than August 12, 2005. RadioShack shall file and serve its answer to the operative pleading no later than August 5, 2005.



DATED: June 13, 2005

Maxine M. Chesney
United States District Court Judge